Oxford Centre for the Study of Law & Public Policy
Research Paper No. 15-2

Introduction to Volume I, Issue 1

Harry G. Hutchison
Recent history bears poignant witness to a growing humanitarian disaster that envelops much of the Middle East, the Latin West, and the world as ISIS enlarges its grip on parts of Iraq and Syria and intensifies its allegiance to human savagery. At the same time, the West appears to have concluded its negotiation of an Iran Nuclear deal, an event that corresponds with unmistakable evidence of an escalation of Russian support for its long-time ally, Syrian President Bashar al-Assad. Taking full advantage of these circumstances, President al-Assad, who is also allied with Iran, has reportedly inflamed the refugee crisis in order to bolster his grip on power. Whilst bodies of refugees wash up on Greece’s shores and evidence emerges indicating that ISIS fighters continue to use the Turkish border as a transit point to the war-torn Middle East, the Turkish government—in an apparent effort to hedge its bets between Europe and NATO, on one hand, and its Middle Eastern friends, on the other—hesitates to decide whether to fully invest the nation’s political and ideological capital in the ongoing conflict with ISIS. Turkey and Turkish policies are once again at the centre of any attempt to understand the above-referenced events.

---

1Sam Dagher, Assad Inflames Refugee Crises, WALL ST. J., (Weekend), 12-13 Sept. 2015.
Concurrently, strategic analysts are forced to revisit the contemporary and ancient history of the land that gave birth to the Ottoman Empire.

Impelled by these events, the Oxford Centre for the Study of Law & Public Policy (Oxford Centre) has launched an effort to comprehend Turkey and the geopolitical dimensions of its policies as a prelude to a wider focus on the Near East. The Oxford Centre, which houses several specialists who have served as Visiting Fellows at the University of Oxford, was established in the United Kingdom pursuant to the Companies Acts 2006, in order to: (1) provide research and examine the history, legal principles, and public policies that underlie the international rule of law, international law, international relations, global economics, the global provision of healthcare, and related subjects; (2) make recommendations on how to improve each of the aforementioned areas and to educate the public regarding them; (3) organise and sponsor forums where subject matter experts on the foregoing topics may gather to discuss ways to improve the laws and public policies applicable to each subject area; and (4) draft and produce books, notes, papers, and pamphlets that capture the suggestions for improvement and to disseminate them for consideration by governments, academics, public interest groups, and others throughout the world.

Prompted by contemporary events in the Near East, the Oxford Centre offers its first publication, the Journal of the Oxford Centre for the Study of Law & Public Policy. This issue contains the papers presented during the Oxford Centre’s Spring 2015 Symposium on Persecution, Peace, and Reconciliation. This Symposium, which took place at Harris Manchester College at the University of Oxford, assembled a number of religious, public policy and legal experts to present papers that considered the nation of Turkey: its history, its future, its insularity and its relationship with a number of countries that have important national interests in the Near East. During a three-day period, the conference participants engaged in spirited discussions that touched on Iran, Israel, Greece, Egypt, Cyprus, China, NATO, and the United States. Additional presentations focused on Turkey’s
relationship with Hamas, its vexed relationship with its non-Muslim population, the role of religion in Turkey as well as the politics of Turkey during the Holocaust. The Symposium brought together a diverse array of individuals representing more than eleven languages including a member of the Turkish Parliament, a member of the United Kingdom’s House of Lords, a representative of the Ecumenical Patriarch of the Greek Orthodox Church, a legal and policy expert from the People’s Republic of China, Visiting Fellows from the University of Oxford, individuals who have argued before the United States Supreme Court, the European Court of Human Rights, and the International Criminal Court as well as Oxford University graduate students in politics.

The first issue of this volume contains four articles which deal with Turkey. The first article authored by Dr Jay Sekulow, is entitled, *Turkey-Israel Relations*. Dr Sekulow, building on his experience as a member of the Summer Research Institute at Oxford, and litigation experience as Chief Counsel for both the American Center for Law and Justice and the European Centre for Law and Justice, highlights the unique relationship between Turkey and Israel in the Muslim world. This world has arguably become more fraught because the “greatest danger the world faces in the twenty-first century is an Iranian nuclear arsenal”, and this danger may have become more ominous by virtue of the recently concluded Iran Nuclear deal.\(^2\) On the other hand, whilst most Muslim-majority nations have declined to recognise Israel, Turkey was the first Muslim-majority nation to do so. Dr Sekulow examines the secular roots of modern Turkey, the shifting sympathies of Turkish leaders under the guidance of number of Islamist theorists and the current status of the Turkey-Israel relationship under the direction of the leader of the Justice and Development Party (AKP), Recep Tayyip Erdoğan, who assumed the presidency in 2014. Emerging essentially as a continuation of the Welfare Party, the AKP’s pre-election platform was crammed with promises to re-orient the nation toward to the West, to respect a secular Republic, and to depart

---

from political Islam in favour of a secular, conservative democracy. At the same time, many saw the issue of Turkish-Israeli relations as a benchmark for measuring the sincerity of the AKP’s promise to instantiate a secular, Western-oriented government. At the present time, relations between Turkey and Israel show that Turkey’s stance regarding Israel reflects a complex mix of religious ideology and political expediency, which entails the possibility of a burgeoning relationship with terrorist groups like Hamas. Hence, as this article suggests, the most optimistic forecasts are likely to indicate that this state-to-state relationship is doomed to remain fragile.

Tiffany Barrans, a Senior Research Associate with the Oxford Centre, has authored a paper entitled, *Turkey-Iran Relations: Pragmatic Economics & the Ideological Ceiling to Strategic Relations*, which illuminates the current status of the relationship between Turkey and Iran. Ms Barrans explains why this state-to-state relationship has been mired in centuries of ideological, theological and geopolitical friction. At times, Turkey has been reluctant to define Iran as a security risk despite its nuclear program. At other times, Iran and Turkey have quite openly jockeyed for influence, particularly during what came to be known as the Arab Spring. Thus, despite pragmatic cooperation, these unlikely friends find themselves facing an impasse. Offering insights that are grounded in historical conflicts, which have hardened into ideological differences, Ms Barrans reveals how contemporary Turkey and Iran have sought to expand their diametrically different models of governance beyond their contiguous borders. This relationship may shift dramatically as a result of the resolution of Iran’s nuclear situation, and this shift may drive the countries back into wave after wave of ideological and geopolitical strife that will likely have implications for much of the world, including NATO, Israel, the United States and the European Community.

---

3 Andrew Finkel, Turkey: What Everyone Needs to Know 83 (2012).
4 *Id.* at 84.
The third paper in this issue entitled, *The Mavi Marmara Trial: Politicising the Turkish Justice System*, scrutinises this trial and offers a window into the progressively more politicised Turkish Justice System. Robert Ash, a lawyer, military expert, student of international affairs and a Founding Fellow of the Oxford Centre, clarifies the facts arising out of the 31 May 2010 clash between Israeli forces and vessels of the Free Gaza Flotilla. The Mavi Marmara, a Comoros-flagged vessel with a Turkish Master sought to breach the Israeli naval blockade of the Gaza Strip. The ensuing melee resulted in the deaths of nine passengers and serious injury to other passengers as well as Israeli commandos. This event became the opening act of a still-ongoing criminal inquiry that has resulted in an attempt by the Turkish government to try Israeli military officers for acts that it would excuse with respect to its own public servants. Mr Ash shows that the Mavi Marmara criminal trial—representing the misapplication of Turkish criminal law and criminal procedure law—is a political show trial that neither comports with the minimal requirements for a fair trial nor seeks to ascertain the truth and do justice. This trial, which violates the Law of Armed Conflict, is part of a Turkish effort to impose Turkey’s view of applicable law on Israel. Beyond the trial’s political motivation, it makes a mockery of the rule of law and has converted the Turkish judicial system into an object of ridicule.

The fourth and final paper in this issue of Volume I is entitled *The Politics of Turkey During the Holocaust*. Authored by Stuart Roth, a Senior Counsel with both the American Center for Law and Justice and the European Centre for Law and Justice, and a Senior Fellow of the Oxford Centre, this paper takes as its point of departure, the systematic destruction of European Jewry during the Holocaust. The methodological murder of six million Jews was perpetrated not only by the Germans, but with the collaboration of numerous countries that served as direct or indirect accomplices to genocide. Turkey, by way of contrast with England, the United States, and others, played a crucial role in rescuing Jews through the efforts of its embassies and also served as an uneasy escape route to Palestine due to its geographic proximity. To be sure, Turkish efforts did not represent a coherent,
organised government effort to rescue or repatriate Jews, but, nonetheless, the humanitarian efforts of individual diplomats in saving Jews should be acknowledged. Mr Roth supplies essential background on the history of the Jews in the Ottoman Empire, and Turkey’s startling turn toward “Turkification”, which produced profoundly adverse effects on the nation’s Jewish population. Mr Roth contrasts these effects with Turkey’s decision, a decade or so later, to invite Jewish scholars from Germany and Austria during World War II to resettle in the country. He also shows how Turkey resisted the strenuous efforts by Germany to stir up Anti-Semitism in Turkey. Taken together, Mr Roth shows that Turkey’s efforts, whilst not heroic, stand in stark contrast to American Anti-Semitism and Britain’s policy aimed at appeasing the Arab population in Palestine. Despite Turkey’s efforts, it is clear that Turkey could have done more.

In addition to the four papers, which are published in the first issue of the JOURNAL OF THE OXFORD CENTRE FOR THE STUDY LAW & PUBLIC POLICY, future issues will distribute papers that examine Turkey’s relationship with and its ongoing support of Hamas and the Muslim Brotherhood, the nation’s relationship with the United States and NATO, the relationship between Turkey, Cyprus, and the Turkish Republic of Northern Cyprus, Turkey’s Islamist political leadership, and a survey of the role of religion in Turkey. The Oxford Centre welcomes responses and comments.
Editors' Introduction

Robert W. Ash, Esq.
Associate Editor, Journal of the Oxford Centre for the Study Law &
Public Policy
Founding Fellow Oxford Centre
Senior Counsel, American Center for Law & Justice and European Centre
for Law & Justice